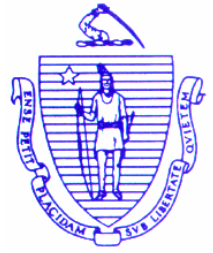




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FOR IMMEDIATE RELEASE:  
April 25, 2003

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## **LATE-SEASON AGGREGATION OF RIGHT WHALES PROMPTS ADVISORY TO MARINERS AND EXTENSION OF WHALE-SAFE FISHING RULES.**

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Right whales presently aggregated in Cape Cod Bay and scientists' expectations for a later than normal departure prompted *Marine Fisheries* to extend the Cape Cod Bay fishing restrictions set to expire on April 30 another 9 days. Moreover, all vessel operators in the southern and eastern portion of the bay are advised to reduce speed, post lookouts, and proceed with caution to avoid colliding with this highly endangered whale.

At least 15 endangered northern right whales subsurface feeding on dense blooms of plankton in the southern and western portions of the Cape Cod Bay Critical Habitat. Due to the unexpected number of right whales in this portion of bay at this time of year, and the presence of a rich food resource suggesting the animals will remain in the area, the state is taking these two actions. First, state officials are issuing an urgent warning to all mariners operating in Cape Cod Bay to be on the lookout for endangered right whales, and second, they are extending the fishing requirements that apply to Cape Cod Bay Critical Habitat beyond the designated April 30 date by 9 days to May 9. Additional extensions of the fishing restrictions may be needed if the whales remain in the area. *Marine Fisheries* will post any additional actions on its web site on May 7. This "real-time" management of maritime activities near right whales is part of the *Marine Fisheries* Right Whale Conservation Program.

The Right Whale Conservation Program is a cooperative effort between *Marine Fisheries* biologists and the Provincetown Center for Coastal Studies (CCS) to study and protect right whales in Cape Cod Bay. Real-time monitoring of right whales through vessel and aerial-based surveillance, and forecasting of right whale presence through habitat analysis, makes the Massachusetts Right Whale Conservation Program the most comprehensive of any program throughout the species' range. Support for the Conservation Program was recently increased through a federal grant of nearly a half-million dollars. Further information on this grant will be posted shortly to the *Marine Fisheries* website.

Northern right whales are the most endangered of the large whales in the western Atlantic Ocean, with a population of only about 300 animals. It is critical that all mariners look out for these whales, especially

in the area off the eastern end of the Cape Cod Canal. The southwestern portion of the Bay is a bottleneck for vessel traffic exiting and entering the canal. Mariners are urged to operate their vessels at slower speeds, and avoid approaching within 500 yards of these critically endangered marine mammals. The Massachusetts Environmental Police will patrol the area and inform vessel operators about the increased presence of right whales.

Ship strikes are believed to be the primary cause of man-induced mortality for the right whale. The population has failed to grow over the last decade and remains around 300 individuals in the North Atlantic. The last known ship strike in waters near Massachusetts occurred in April 1999 when a sixty-ton, female right whale nick-named “Stacatto” was discovered dead in eastern Cape Cod Bay. Dissection and subsequent necropsy revealed a broken jaw and five broken vertebrae suggesting ship-strike as the cause of death. Cape Cod Bay is one of only five known critical habitats for northern right whales, with typically 1/3 of the population utilizing the bay throughout the late winter and early spring.

Scientists believe feeding right whales may be oblivious to their surroundings, thereby unable to avoid an oncoming vessel, and subsurface feeding, as the name suggests, occurs just below the surface where animals are difficult to see, yet still vulnerable to ship strikes. More vessel traffic is expected in this area over the next few weeks with seasonal increases in recreational and commercial fishing, as well as whale watching, and passenger ship activity. Vessel operators are reminded that approaching right whales within 500 yards is a violation of state and federal regulation.

The National Marine Fisheries Service (NOAA Fisheries) has been issuing warnings to mariners and others via the Northern Right Whale Sighting Advisory System (SAS). Participating agencies in the SAS include the Commonwealth’s *Marine Fisheries* and Environmental Police, the U.S. Coast Guard, the U.S. Army Corps of Engineers (ACOE), CCS, and other research groups. Advisories can be viewed at the NOAA Fisheries Northeast Region web site ([www.nero.noaa.gov/ro/doc/whale.htm](http://www.nero.noaa.gov/ro/doc/whale.htm)) and are broadcast over NOAA weather radio ([http:// 205.156.54.206/nwr/](http://205.156.54.206/nwr/)).

Late winter and early spring is typically the peak season for right whales in Cape Cod Bay and they usually depart the bay before the end of the April for other habitats, notably the Great South Channel Critical Habitat east of Nantucket. Last year in mid-April, a young right whale was found swimming in the Cape Cod Canal and prompted the ACOE to close the canal for 6 hours. During summer months, right whales concentrate off Canada in the Bay of Fundy and off Brown's Bank, south of Nova Scotia.

Typically right whales are found in the eastern and northern portions of the bay at this time of year as they near their departure for other habitats; however, this season is unusual with large numbers of right whales arriving recently in the southern and western portions of the bay along with dense concentrations of plankton. Based on the plankton densities and makeup, Dr. Stormy Mayo and his associates from CCS have forecasted that these whales are likely to remain grazing on plankton in the area for some time.

Since mid-December, whale surveys have been conducted in Cape Cod Bay and adjacent waters by CCS under contract to *Marine Fisheries*. Additional bay-wide whale surveys will be conducted two to three times per week through mid-May. When right whales depart the area, the advisory will be lifted and fishing regulations updated.

Director Paul Diodati reiterated the call for the right whale advisory, “It is important to protect these whales on our watch. Fishermen and vessel operators can take these minor precautions to prevent harm to this magnificent species struggling to avoid extinction.”

## ADVISORY

Concentrations of northern right whales are currently present in the southwestern portion of Cape Cod Bay. They are feeding at -- or just below -- the surface and are difficult to see, thus increasing the risk of collisions with vessels. The Commonwealth of Massachusetts is asking all mariners in Cape Cod Bay, especially the southwestern portion, to proceed with caution and consider the following actions:

- **Reduce speed to 15 knots, or slower if visibility is poor.**
- **Post a lookout and be on alert.**
- **Do not approach right whales within 500 yards. To do so is a violation of state and federal regulation.**

## FIXED FISHING GEAR RESTRICTIONS EXTENDED

The January – April rules have been extended through May 9. These include:

- A) **Breakaway features designed to part at 500 lbs. or less** must be used in all buoy lines.
- B) **Single pots are prohibited** to minimize vertical lines in the water. Traps must be set in “trawls” of 4-pots or more with vertical buoy lines on each end or in “doubles” where two pots are strung together with only one buoy line.
- C) Groundlines (lines connecting pots) must be set on the ocean floor by using “**sinking**” or “**neutrally buoyant**” materials;
- D) **Special buoy marking scheme** (“twin orange markers”) required to designate “modified” lobster gear in Critical Habitat.
- E) **Gillnets prohibited.**

For more information, visit the *Marine Fisheries* website at [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries) or contact Ed Lyman ([edward.lyman@state.ma.us](mailto:edward.lyman@state.ma.us)) or Dan McKiernan ([dan.mckiernan@state.ma.us](mailto:dan.mckiernan@state.ma.us)).

Center for Coastal Studies ([www.coastalstudies.org](http://www.coastalstudies.org)) right whale researchers  
Dr. Charles (Stormy) Mayo and Dr. Moira Brown can be reached at (508) 487-3622.

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